

COMMUNITY POLICE REVIEW COMMISSION
of the City of Richmond, California
(CPRC)
Wednesday, December 6, 2023
7:00 P.M.

MINUTES

I. CALL TO ORDER, ROLL CALL, PLEDGE

The meeting was called to order at 7:03 P.M. by Chair Carol Hegstrom in the Richmond Room at 450 Civic Center Plaza, 1st Floor, at Richmond, California.

Present: Carol Hegstrom (Chair), Oscar Garcia, Daniel Lawson and Rachel Lorber

Absent: Andre Jackson, Carole Johnson and Steven Lacy

Staff: Lilia Corral - Present

Council Liaison: Claudia Jimenez – Not Present

**City Attorney's
Office Representative:** Pam Lee - Present

II. STATEMENT OF CONFLICT OF INTEREST

Pam Lee, Legal Counsel representing the City Attorney's Office, explained that this was the time of the meeting for any member of the CPRC who had a conflict of interest with respect to any item on the agenda to identify that conflict of interest.

III. AGENDA REVIEW

There were no changes to the meeting agenda.

IV. APPROVAL OF MINUTES (November 1, 2023)

Pam Lee reported that the minutes of the November 1, 2023 meeting had not included the name of Legal Counsel representing the City Attorney's Office at that meeting. She identified Floy Andrews as the attorney of record under Item II. Statement of Conflict of Interest on the first page of the November 1, 2023 minutes.

<p>ACTION: It was M/S/C (Lawson/Lorber) to approve the minutes of the November 1, 2023 meeting, as amended; approved by a voice vote: 4-0 (Ayes: Garcia, Lawson, Lorber and Chair Hegstrom; Noes: None; Abstain: None; Absent: Jackson, Johnson and Lacy).</p>

V. PUBLIC FORUM

Staff Liaison Lilia Corral advised that she had a public comment to report and would have to leave the meeting briefly to retrieve it.

VI. REPORT OF CITY COUNCIL LIAISON (Claudia Jimenez)

Council Liaison Claudia Jimenez was not present at this time.

VII. REPORT BY CHIEF OF POLICE (Chief French or Designee)

Assistant Police Chief Tim Simmons presented the report for Police Chief Bisa French, who was not present. He reported that there were eight officers of the Richmond Police Department (RPD) off on modified duty and of those eight, five were entirely off work and three were in a modified work capacity answering telephones and taking reports. He acknowledged the low number of officers on modified duty and stated that was the result of a lot of work around the area of employee and organizational wellness and the implementation of different strategies such as off-duty work times to deal with physical health, eating and nutrition plans to help keep officers and employees in a healthy state of mind working to provide services to the community.

Assistant Chief Simmons reported that the RPD was authorized for 146 sworn personnel from the Chief on down, and out of the 146 there were 118 filled positions with 28 sworn current vacancies; five sergeants and 23 officers. He explained that all of the management ranks had been filled, which helped with quality and control and the other things that management provided. Out of the 23 officers and five sergeant vacancies, there were candidates in various stages of the hiring process that did not include the dozen or so officers currently in the training program and the Police Academy that could offset the vacancies.

Assistant Chief Simmons advised that there were 68 full-time positions in RPD that were professional staff, not sworn officers; 48 positions that were currently filled with a vacancy of 20 for two jailers, network system specialists, parking enforcement, community service officers, CCTV wireless system specialists, a crime prevention specialist who would be onboarding on January 3, 2024, a police record specialist and seven communication dispatcher vacancies, which was where the focus was given the onboarding of the Community Crisis Response Program (CCRP) and the desire to have the appropriate number of dispatchers to support the upcoming programs. He noted some activity in that area was expected within the next six months.

Assistant Chief Simmons stated that in one year the RPD had hired 35 new police officers as a result of the City's aggressive recruiting effort, although not all had graduated from the Police Academy. During the same time period, the RPD had lost nine current officers through retirement and those who had left to work for other agencies.

Assistant Chief Simmons also presented the use of force numbers for November and stated that there had been a total of five use of force incidents; three defensive tactic maneuvers to gain compliance and control of suspects, one an impact to gain compliance and one the use of canine. There was no hospitalization involved with the canine incident. He confirmed the RPD had a monthly use of force review and out of that review came recommendations for training, equipment and other review.

Commissioner Garcia referred to the ShotSpotter Report and noted that 80 to 90 percent of the shootings had occurred in the Iron Triangle area.

Assistant Chief Simmons noted there had been some key dispute incidents that had occurred in the area of the Iron Triangle that had been responsible for the ShotSpotter locations, all of which had involved parties that were part of a key case who had been taken into custody on a specific operation.

Assistant Chief Simmons noted that on the RPD's transparency portal status related to FLOCK and the use of license readers, the types of crimes involved such as stolen vehicle recoveries and the like were being identified. He explained how that information would be uploaded to numerous social media sites to allow easy public access.

Commissioner Lorber asked for an update on the statistics related to violent crimes that Police Chief French usually provided to the CPRC.

Assistant Chief Simmons noted that there had been a total of nine homicides this year but he did not have the available crime statistics to report at this time.

Commissioner Lawson asked about the use of military equipment and Assistant Chief Simmons advised that would be reported to the City Council in February 2024.

The CPRC moved back to Public Forum at this time.

V. PUBLIC FORUM

Staff Liaison Lilia Corral identified an email from CORDELL HINDLER, as follows: *Good evening, Chair Hegstrom, Commissioners and staff. I am submitting the following comments into the record: 1. For a future agenda the Commission should look into the planning activities for 2024, for example a Commissioner retreat. 2. Also the update is that the new Administrative Services Coordinator will come on board soon.*

VIII. REPORT BY RICHMOND POLICE OFFICERS' ASSOCIATION (Ben Therriault or Designee)

Sergeant Ben Therriault, President of the Richmond Police Officers' Association (RPOA), highlighted the Richmond Fire and Police Toy Program, the bagging of food this weekend where assistance from volunteers was being sought, and Shop with a Cop on Saturday, December 23 with the RPOA seeking volunteer help and donations for that effort. He stated there would be a Toy Giveaway on December 23 on 23rd Street at 12:30 P.M. for folks who needed toys in coordination with the RPOA, the Latino Peace Officers Association and the 23rd Street Partners.

IX. REPORT BY RICHMOND POLICE MANAGEMENT ASSOCIATION (Eric Smith or Designee)

There was no report from the Richmond Police Management Association (RPMA).

X. REPORT BY INVESTIGATIVE AND APPEALS OFFICER (Jerry Threet)

A. Status Update

Jerry Threet, Investigative and Appeals Officer, reported there were currently five investigations pending that had not been completed.

Mr. Threet reported that this week the Gutzalenko investigation from 2021 had been submitted to the CPRC for its review. He suggested that Commissioners make time to personally view the video, which was an important aspect of the analysis for the Gutzalenko investigation, and which he characterized as complicated. Of the remaining five complaints, one remained on hold because of an active murder investigation. The second alleged discrimination in policing in 2023 and was untimely under the ordinance and he would ask the CPRC if it wanted him to proceed given those issues. The third involved excessive force and discrimination in 2023, the fourth alleged excessive force through a dog bite, and the last was the MacDonald officer-involved shooting. A separate complaint related to RPD's policy on missing persons.

Commissioner Lawson asked Mr. Threet if there might be other reports to consider at the next meeting beyond the Gutzalenko complaint, and Mr. Threet stated that another separate case he would bring would be on the question as to whether the failure of the complainant to meet the deadlines for filing could be categorized as 'excusable neglect.'

Eddie Aubrey, Manager, Office of Professional Accountability, identified his schedule when Commissioners could schedule a viewing related to the Gutzalenko case consistent with Brown Act requirements where fewer than four members of the CPRC could watch the video at one time. He noted that Commissioners should email him when they would like to set a time for viewing, available one time each week, to ensure the availability of the USB drive and the conference room. He identified the dates and times for the next available sessions and explained that special arrangements could be made if needed.

XI. OLD BUSINESS, DISCUSSION ITEMS: None

XII. NEW BUSINESS: None

XIII. REPORTS FROM COMMISSIONERS, STAFF, AND RIDEALONGS

Commissioner Lawson advised that he had attended the National Association for Civilian Oversight of Law Enforcement (NACOLE) conference but had nothing prepared at this time to report. He would provide a report at the next meeting as an agenda item.

XIV. ADJOURNMENT

The meeting was adjourned at 7:40 P.M.

Carol Hegstrom, Chair